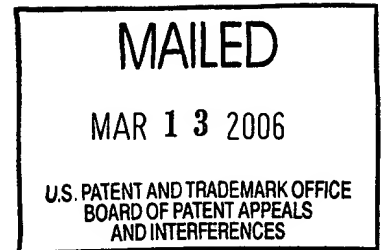


UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES  
\_\_\_\_\_

Ex parte JEREMY CHANEY  
\_\_\_\_\_

Application 09/577,257  
\_\_\_\_\_



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER  
\_\_\_\_\_

This application was received electronically at the Board of Patent Appeals and Interferences on March 3, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matters requiring attention prior to docketing are identified below:

A review of the Image File Wrapper (IFW) indicates that appellant filed an Appeal Brief on June 23, 2005. The examiner acknowledged the Appeal Brief in an Examiner's Answer mailed on October 6, 2005. Section 1207.02 of the MPEP (8<sup>th</sup> Ed., Rev. 3, August 2005) states:

Requirements for Examiner's Answer

The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:

. . . . .

(8) Evidence Relied Upon. A listing of the evidence relied on (e.g., patents, publications, admitted prior art), and, in the case of nonpatent references, the relevant page or pages.

It is noted that while the Examiner's Answer states that "[n]o evidence is relied upon by the examiner in the rejection of the claims under appeal" [page 2 under the caption "Evidence Relied Upon"], the claim rejections are listed as follows:

1. Claims 1, 3, 4, 6, 8, 9, 11, 13, 14, 16, 17, 21-32, 35-38, and 46-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,356,971 (Katz et al.) and U.S. Patent No. 6,148,346 Hanson [page 3]; and

2. Claims 5, 10, 15, 39-42, and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,356,971 (Katz et al [sic]), U.S. Patent No. 6,148,346 (Hanson), and U.S. Patent No. 6,377,530 (Burrows) [page 6].

Correction is required.

Accordingly, it is


ORDERED that the application is returned to the

Examiner:

Application 09/577,257

- 1) to submit a revised Examiner's Answer which corrects the "Evidence Relied Upon" section; and
- 2) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By:   
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